

June 20, 2011 - Regular Town Council Meeting

At a Regular Meeting of the Town Council of the Town of Middletown, RI held at the Middletown Town Hall on Monday, June 20, 2011 at 6:00 P.M.

Council President Arthur S. Weber, Jr., Presiding

Vice President Bruce J. Long

Councillor Richard Cambra

Councillor Edward J. Silveira, Jr.

Councillor Christopher T. Semonelli

Councillor Antone C. Viveiros

Councillor Barbara A. VonVillas, Members Present

PLEDGE OF ALLEGIANCE TO THE FLAG

RECONSIDERATION

The Middletown Town Council follows the codification of present-day general parliamentary law as articulated in Robert's Rules of Order Newly Revised 10th edition (2000), together with whatever rules of order the Council has adopted for its own governance. The motion to reconsider is one of the motions that can bring a question again before an assembly, and is designed to bring back for further consideration a motion which has already been voted on:

If, in the same session that a motion has been voted on, but no later than the same day or the next day on which a business meeting is held, new information or a changed situation makes it appear that a different result might reflect the true will of the assembly, a member who voted with the prevailing side can, by moving to Reconsider [RONR (10th ed.), p. 304-321] the vote, propose that the question shall come before the assembly again as if it had not previously been considered. (From Robert's Rules of Order Newly Revised In Brief, Robert, Evans et al., De Capo Press, 2004)

There were no reconsiderations.

EXECUTIVE SESSION

Pursuant to provisions of RIGL, Sections 42-46-2., 42-46-4., and 42-46-5. (a) (5) disposition of property (Wave Avenue), (5) land acquisition (Green Lane), (5) land acquisition (Johnnycake Hill Road), (5) lease (Mitchell's Lane), (5) lease (East Main Road), (5) lease (JFK School) and (2) collective bargaining (Police, Fire, Public Works and Town Hall Unions).

On motion of Vice President Long, duly seconded, it was voted unanimously to recess open session at 6:01 P.M. and reconvene in executive session.

On motion of Vice President Long, duly seconded, it was voted unanimously to reconvene in open session at 7:12 P.M.

On motion of Vice President Long, duly seconded, it was voted unanimously to approve the conveyance for the amount proposed, plus legal fees.

On motion of Vice President Long, duly seconded, it was voted unanimously to accept both leases and authorize the Town Administrator to execute said leases.

On motion of Vice President Long, duly seconded, it was voted unanimously to execute the agreement with the Town Hall Union, subject to final approval of legal counsel.

On motion of Vice President Long, duly seconded, it was voted unanimously to seal the minutes of the executive session pursuant to Section 42-46-7. RIGL.

PRESENTATIONS

- 1. Memorandum of Town Administrator, re: West Main/Coddington Development Center Master Plan. (Geoffrey Morrison-Logan, representing VHB)**

Enter memorandum

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said memorandum.

Jan Eckhart, Planning Board Chair, explained that the presentation for the West Main/Coddington Development Center Master Plan will

be presented by Geoffrey Morrison-Logan, representing VHB.

Geoffrey Morrison-Logan, Senior Urban Designer, Project Manager for VHB presented a powerpoint presentation (which is on file in the Office of the Town Clerk). Mr. Morrison Logan reviewed the following:

West Main/Coddington

Development Center Master Plan

Agenda

هProcess

هProject Overview

Preferred Scenario

Implementation Strategies

Next Steps Center Master Plan

Project Goals

West Main / Coddington Development Master Plan will serve to guide development and redevelopment within the project boundaries.

Study will focus efforts on the Core Area -14 acres of land

- (Navy Lodge, Recreation Complex, Library, JKF School)

•Identify recommendations and strategies for:

- Redevelopment options for the Core Area

- Integration of the surrounding areas into the redevelopment Core Area

Pedestrian and vehicle connections

Options for enhancement and future redevelopment of private property that compliments the Core Area

- Streetscape improvements

- Transportation improvements

Study Area & Core Study Area

هStudy Area +/-245 Acres

هCore Study Area +/-14 acres

- Four Key Parcels

Core Study Area

Former Navy Lodge Site

Recreation Complex

Public Library

JFK School (Closed)

Issues & Opportunities

Existing Zoning

Historic Resources

Urban Design

Utilities

Transportation

Real Estate Market

Urban Design

Study Areas

Building Footprints

Core Study Area

Gateway Opportunities...

at Coddington?

at East Main?

at Valley?

هStreetscape / Street Edges

هConnections Main/

Market Study

Darren Mochrie, Vice President and Principal of RKG Associates reviewed the following:

Site and Location Characteristics

هHighly visible location at intersection West Main and Coddington

Combined site (north to include JFK school) of 15-acres

Good average daily traffic counts exceeding desired threshold for many retail uses

Town is receptive to alternative and flexible zoning to facilitate future development opportunities

Geoffrey Morrison-Logan, Senior Urban Designer, Project Manager reviewed the following:

Transportation

Aquidneck Island Transportation

Study Intersection Alternatives

Geometric Improvement Concept

Roundabout Concept

Preferred Scenario

Zoning

Purpose

Applicability

Location

Permitted Uses

هDistrict Dimensional Regulations (Height Lot Size, Frontage, etc.)

هParking Requirements

Commercial Development Standards

هLocation and Distribution of Uses

هBuilding Design and Architecture

هSite Access

هPedestrian and Bicycle Circulation

هPedestrian Spaces and Comfort

هLandscaping and Appearance

هSigns

Implementation Strategies

**هRecognize the West Main / Coddington Development Center
Master Plan**

هSite Control -What is the Towns involvement in redevelopment process

هNavy Lodge –Continue with BRAC process

هRecreation Complex –RCOS MP recommendations / deed restrictions

هLibrary –Assess existing facilities

هJFK School –Clarify short term goals / prepare cost estimates for site prep

هMunicipal Needs Assessment –Determine Towns needs for municipal uses

هInfrastructure –Confirm costs / develop strategies to implement / prepare site survey / soil tests

هTransportation –Advance efforts for Two-Mile Corner transportation improvements

هZoning –Develop a plan and timeline to adopt zoning

هMarketing –Develop a marketing plan / RDI / RFP

Next Steps

هDraft Report

هPublic Comment period

هTown Council Meeting August

2. Memorandum of Town Administrator, with enclosures, re: Navy surplus land (BRAC 2005) – AIRPA Reuse Plan. (Julie Oakley, representing AIRPA)

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said memorandum.

Julie Oakley, representing AIRPA, presented the Council with a handout concerning Naval Station Newport Surplus property, which

is on file in the Office of the Town Clerk.

3. Resolution of the Council, re: Endorsing the proposed plan for the conveyance and reuse of Navy surplus land in Middletown as prepared by AIRPA.

On motion of Vice President Long, duly seconded, it was voted unanimously to pass said resolution.

PUBLIC FORUM SESSION

Pursuant to Rule 23 of the Rules of the Council, Citizens may address the town on one (1) subject only, said subject of substantive Town business, neither discussed during the regular meeting nor related to personnel or job performance. Citizens may speak for no longer than five (5) minutes and must submit a public participation form to the Council Clerk prior to the start of the meeting.

No one addressed the Council during this session.

4. Memorandum of Town Administrator, with enclosures, re: Approval of Other Post Employment Benefit (OPEB) Trust Agreement, OPEB Investment Policy Statement, and OPEB Investment Advisory Services Agreement.

Finance Director Lynne Dible reviewed the following memorandum entered here:

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said memorandum.

Ellen Flynn Corneau, Partner, Edwards, Angell, Palmer & Dodge, Bond Counsel, Trust Counsel, explained the OPEB Trust Agreement, which is on file in the Office of the Town Clerk.

Kevin Mulvey, Vice President, RBS Citizens Bank, Trustee, Pension Trust Fund/OPEB Trust, explained the responsibilities of the Trustee, noting that at this time there is no investment management fee incurred by the Town.

Mike Lynch, Investment Consultant, PSolve Asset Solutions – Town’s Investment Advisor, Pension Trust Fund/OPEB Trust, explained the Investment Advisory Services Agreement, which is on file in the Office of the Town Clerk.

5. Resolution of the Council, re: Adopting the OPEB Trust Agreement.

On motion of Vice President Long, duly seconded, it was voted unanimously to pass said resolution.

6. Resolution of the Council, re: Approving OPEB Investment Policy Statement and entering into an Investment Advisory Agreement with PSolve Asset Solutions for the OPEB Trust.

On motion of Vice President Long, duly seconded, it was voted unanimously to pass said resolution.

CONSENT

7. Resolution of Town of Smithfield School Committee, re: Requesting support in opposition to 2011-S413 & H 5943 that mandates expired teacher contracts must continue at the existing terms and conditions.

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said resolution.

8. Communication of Tax Assessor, with enclosures, re: Cancellations of taxes for certain Middletown taxpayers.

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said communication.

9. Resolution of the Council, re: Cancellation of taxes for certain Middletown taxpayers.

On motion of Vice President Long, duly seconded, it was voted unanimously to pass said resolution.

10. Notice of Public Hearing from the Zoning Board of Review, Petition of Craig & Annie Schmidt (owner) for a Variance from Section 603, 701 & 803G – to construct a 17' x 15' addition with a left side yard setback of 13.1' and a right side yard setback of 12.2' where 15' is required and construct a new entry and basement stair enclosure with a left side yard setback of 6.2' where 15' is required, said real

estate located at 12 Draper Avenue and further identified as Lot 27 on Tax Assessor's Plat 121.

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said notice.

11. Application of TECS DONUTS, INC. dba Dunkin Donuts, 159 East Main Road for Additional Operating Hours License for the 2010-2011 licensing year. (NEW; Requires Advertising for Public Hearing)

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said application and advertise for public hearing to be held at the July 18, 2011 Regular Meeting of the Council.

12. Application of Middletown Taco, Inc. dba Taco Bell, 641 West Main Road, for Additional Operating Hours License for the 2010-2011 licensing year. (NEW; Requires Advertising for Public Hearing)

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said application and advertise for public hearing to be held at the July 18, 2011 Regular Meeting of the Council.

13. Memorandum of Town Administrator, with enclosure, re: Meetings about Rhode Island Statewide Bacteria Total Maximum Daily Loads.

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said memorandum.

14. Memorandum of Town Administrator, with enclosures, re: Solid Waste and Recycling Services Agreement – RIRRC.

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said memorandum.

15. Resolution of the Council, re: Contracting Rhode Island Resource Recovery Corporation for FY2012, FY2013 and FY2014 solid waste and recycling services.

On motion of Vice President Long, duly seconded, it was voted unanimously to pass said resolution.

16. Memorandum of Town Administrator, re: Invitation to Public Workshop on Reconstruction of Intersections of West Main Road at East Main Road and at Coddington Highway.

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said memorandum.

Councillor Silveira recused from items #17, #18 and #19, due to a

possible conflict of interest, business related.

LICENSES & PERMITS

17. Application of TECS DONUTS, INC dba Dunkin Donuts, 159 East Main Road for a Victualling House License for the 2010-2011 licensing year. (NEW)

On motion of Vice President Long, duly seconded, it was voted unanimously to grant said license, contingent on Building Official, Fire Marshal, Board of Health and Public Works approvals.

Vice President Long recused from items #18 and #19, due to a possible conflict of interest, business related.

18. Application of Anna Alexander dba Ana's Tacos, Warwick, for a Hawker's License for the 2011-2012 licensing year. (NEW; Benny's

Parking Lot, West Main Road)

On motion of Councillor Semonelli, duly seconded, it was voted unanimously to grant said license.

19. Application of Longade, LLC dba Del's Lemonade, Middletown, for a Hawker's License for the 2011-2012 licensing year. (NEW; Benny's Parking Lot, West Main Road)

On motion of Councillor Semonelli, duly seconded, it was voted unanimously to grant said license.

20. Applications (3) three of Newport Vineyards, 909 East Main Road, for Amusement Licenses for July 29th, 30th (Shakespeare Performance) and August 4th (Jazz Performance by the Grape Press). (NEW)

On motion of Councillor Cambra, duly seconded, it was voted unanimously to grant said licenses.

ORDINANCE

21. An Ordinance of the Town of Middletown (Second Reading)

An Ordinance in amendment to the Town Code of the Town of Middletown, Title III, Chapter 36, Fee Schedule, Section (46), Ambulance Billing Rates.

On motion of Vice President Long, duly seconded, it was voted unanimously to adopt said ordinance, on its second reading.

Town Solicitor Michael W. Miller recused himself from acting on the following two items of business #22 and #22a.

OTHER COMMUNICATION

22. (Continued from Regular Meeting of June 6, 2011)

Communication of Patrick O’N. Hayes, Jr., Esquire, representing John G. Richardson, with enclosure, re: Request for a permanent easement and abandonment of a portion of Wave Avenue.

Attorney Patrick O’N. Hayes, Jr., addressed the Council noting that the request has been acted on. (See executive session motion.)

Assistant Solicitor J. Russell Jackson explained that no additional action on this item is needed.

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said communication.

22a. (NEW) Memorandum of Town Administrator, re: Property disposition: Town right-of-way on Wave Avenue adjacent to property designated at Lot 18A on Middletown Tax Assessor's Plat 116NW.

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said memorandum.

23. Memorandum of Rosemarie K. Kraeger, Superintendent of Schools, with enclosures, re: Budget Adjustments as of June 30, 2011.

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said memorandum.

Council President Weber expressed concern that there was no School Department representation to explain this item of business.

On motion of Council President Weber, duly seconded, it was voted unanimously to continue this matter to the July 18, 2011 Regular meeting of the Council.

24. Resolution of the Council, re: Budget Adjustments – School Department.

On motion of Councillor Silveira, duly seconded, it was voted unanimously to continue this matter to the July 18, 2011 Regular meeting of the Council.

25. (NEW) Memorandum of Town Administrator, with enclosure, re: School Department request for additional project funds – Aquidneck School Learning Center.

On motion of Vice President Long, duly seconded, it was voted

unanimously to receive said memorandum.

Town Administrator Shawn Brown noted that he has been advised that the request be withdrawn.

On motion of Councillor Silveira, duly seconded, it was voted unanimously to table this matter.

TOWN ADMINISTRATOR COMMUNICATIONS

26. Memorandum of Town Administrator, with enclosure, re: Proposal and Amendment to Current Agreement for Watershed Assessment.

Town Administrator Shawn Brown reviewed the following memorandum entered here:

On motion of Councillor Silveira, duly seconded, it was voted unanimously to receive said memorandum.

27. Resolution of the Council, re: Award of Contract for Amendment to Current Agreement for Watershed Assessment.

On motion of Vice President Long, duly seconded, it was voted unanimously to pass said resolution.

28. Memorandum of Town Administrator, with enclosures, re: Contract Award: Landscaping Services.

On motion of Councillor Silveira, duly seconded, it was voted unanimously to receive said memorandum.

Town Administrator Shawn Brown explained that it is more economical to outsource landscaping in the effort to utilize Town resources effectively.

Public Works Director Tom O'Loughlin explained that in the past Town employees and volunteers were utilized; however, now Town employees are needed for higher priorities.

Manual Mello, 31 Beacon Terrace North, addressed the Council inquiring if Town employees will continue to mow areas throughout the Town.

Town Administrator Shawn Brown, responding to Mr. Mello noted that the contractor will be mowing small areas and Town employees will mow the large areas of the Town.

29. Resolution of the Council, re: Contract Award: Landscaping

Services.

On motion of Vice President Long, duly seconded, it was voted unanimously to pass said resolution.

30. Memorandum of Town Administrator, with enclosures, re: Contract Award: Commodore Perry Village Sanitary Sewer Spot Repairs.

On motion of Councillor Silveira, duly seconded, it was voted unanimously to receive said memorandum.

Town Administrator Shawn Brown noted that this contract is a priority for infrastructure in the Commodore Perry Village neighborhood to repair the sanitary sewer. Mr. Brown explained that there are a number of phases to the project.

Town Engineer Warren Hall expressed the need to complete the sewer spot repairs prior to slip lining the sewer pipes.

31. Resolution of the Council, re: Contract Award: Commodore Perry Village Sanitary Sewer Spot Repairs.

On motion of Vice President Long, duly seconded, it was voted unanimously to pass said resolution.

32. Memorandum of Town Administrator, with enclosures, re: Contract Award: Sewer Improvements, Drainage Improvements and Roadway Improvements – Continental Village & Adjacent Neighborhoods.

Town Administrator Shawn Brown reviewed the following memorandum entered here:

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said memorandum.

Town Engineer Warren Hall noted that the project will begin in thirty days and be completed in 2013. Mr. Hall explained that the Town is meeting with the residents to keep them informed of the project progress.

33. Resolution of the Council, re: Contract Award: Sewer Improvements, Drainage Improvements and Roadway Improvements – Continental Village & Adjacent Neighborhoods.

On motion of Vice President Long, duly seconded, it was voted unanimously to pass said resolution.

34. Memorandum of Town Administrator, with enclosures, re:

Contract Amendment: Administration Services – Continental Village Project.

Town Administrator Shawn Brown noted that a clerk will be hired to work with the Town Engineer and Public Works Director to oversee and ensure the project is complete.

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said memorandum.

35. Resolution of the Council, re: Contract Amendment: Administration Services – Continental Village Project

On motion of Vice President Long, duly seconded, it was voted unanimously to amend said resolution by adopting the formula of 69% funding from the Sewer Fund and 31% funding from the Road & Drainage bond and pass said resolution, as amended.

On motion of Vice President Long, duly seconded, it was voted unanimously to adjourn said meeting at 9:05 P.M.

Wendy J.W. Marshall, CMC

Council Clerk

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